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1 2 3 4 5 6 7	SEDGWICK, DETERT, MORAN & ARNOTULIA MOLANDER Bar No. 83839 LAURA L. GOODMAN Bar No. 142689 One Market Plaza Steuart Tower, 8th Floor San Francisco, California 94105 Telephone: (415) 781-7900 Facsimile: (415) 781-2635 Attorneys for Defendant and Counterclaiman RLI INSURANCE COMPANY		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	TONIC WEAR, INC., a California corporation	CASE NO. C-05 3484 EDL	
12 13	Plaintiff,	STIPULATION OF DISMISSAL AND [PROPOSED] ORDER OF DISMISSAL	
14	V.	WITH PREJUDICE OF ENTIRE ACTION	
15	RLI INSURANCE COMPANY, an Illinois corporation		
16	Defendant.		
17 18	AND RELATED COUNTERCLAIM.		
19			
20	5	<u>STIPULATION</u>	
21	Pursuant to Federal Rules of Civil Procedure 41(a), the parties in this action hereby		
22	stipulate and agree to the following:		
23	1. Plaintiff Tonic Wear, Inc. by and through its attorney of record hereby stipulates		
24	to dismiss with prejudice its First Amended Complaint in its entirety against Defendant RLI		
25	Insurance Company and agrees to bear its own attorneys' fees and costs.		
26	2. Counterclaimant RLI Insurance Company by and through its attorneys of record		
27	hereby stipulate to dismiss with prejudice its Amended Counterclaim in its entirety against		
28	Counterdefendants Tonic Wear, Inc. dba Acr	me Made and Kirk Thornby and to bear its own	

STIPULATION OF DISMISSAL WITH PREJUDICE OF FIRST AMENDED COMPLAINT AND AMENDED COUNTERCLAIM

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CASE NO. C-05 3484 EDL

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1	attorneys' fees and costs.	
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3	IT IS SO STIPULATED	
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5	DATED: January 11, 2007	LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP
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7		By:
8		Joshua Levenhero
9		Attorney for Plaintiff and Counterdefendants TONIC-WEAR, INC. / TONIC WEAR, INC. DBA ACME MADE AND KIRK THORNBY
11		
12	DATED: January, 2007	SEDGWICK, DETERT, MORAN & ARNOLD LLP
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15		By:
16		Laura L. Goodman Attorneys for Defendant and Counterclaimant RLI INSURANCE COMPANY
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1	attorneys' fees and costs.		
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3	IT IS SO STIPULATED		
4	DATED I 2006	LDIED MANUEL ENTEZ CUDICUINE O	
5	DATED: January, 2006	LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP	
6 7			
8		By:	
9		Joshua Levenberg Attorney for Plaintiff and Counterdefendants TONIC WEAR, INC. / TONIC WEAR, INC. DBA	
10		ACME MADE AND KIRK THORNBY	
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12	DATED: January, 2006	SEDGWICK, DETERT, MORAN & ARNOLD LLP	
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15		By Lulia A. Molander Laura L. Goodman	
16		Attorneys for Defendant and Counterclaimant RLI INSURANCE COMPANY	
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[PROPOSED] ORDER 1 2 IT IS HEREBY ORDERED that Plaintiff Tonic Wear, Inc.'s First Amended Complaint against Defendant RLI Insurance Company and Counterclaimant RLI Insurance Company's 3 Amended Counterclaim against Counterdefendants Tonic Wear, Inc. DBA Acme Made and Kirk 4 Thornby are DISMISSED in their entirety WITH PREJUDICE. Each party to bear its own 5 6 attorneys' fees and costs. 7 8 IT IS SO ORDERED 9 January 16, 2007 10 Dated: Magistrate Judge Elizabeth LaPorte 11 U.S. District Court Judge, Northern District 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

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